

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

8 | RICHARD DENSON,

Petitioner,

10 | vs.

11 DWIGHT NEVEN, *et al.*,

## 12 Respondents.

2:15-cv-01473-APG-PAL

## ORDER

15 This action is a *pro se* petition for a writ of habeas corpus by Nevada prisoner Richard  
16 Denson. The respondents are to file a response to Denson's amended habeas petition (ECF No. 29)  
17 by July 31, 2017. *See* Order entered May 31, 2017 (ECF No. 31) (60 days for response to amended  
18 petition).

19 In its May 31, 2017, order, the Court denied a motion by Denson for appointment of counsel.  
20 See *id.* On June 30, 2017, Denson filed a motion for reconsideration of that order (ECF No. 33).

21 The court “possesses the inherent procedural power to reconsider, rescind, or modify an  
22 interlocutory order for cause seen by it to be sufficient,” so long as the court has jurisdiction. *City of*  
23 *L.A., Harbor Div. v. Santa Monica Baykeeper*, 254 F.3d 882, 885 (9th Cir. 2001) (emphasis and  
24 quotation omitted). Generally, reconsideration of an interlocutory order is appropriate “if (1) the  
25 district court is presented with newly discovered evidence, (2) the district court committed clear  
26 error or made an initial decision that was manifestly unjust, or (3) there is an intervening change in

1 controlling law.” *S.E.C. v. Platforms Wireless Int’l Corp.*, 617 F.3d 1072, 1100 (9th Cir. 2010)  
2 (quotation omitted); *see also Antonetti v. Skolnik*, No. 3:10-cv-00158-LRH-WCG, 2013 WL 593407,  
3 at \*1 (D. Nev. Feb. 13, 2013) (stating that this Court applies the Rule 59(e) standard to motions for  
4 reconsideration of interlocutory orders). “A motion for reconsideration is not an avenue to  
5 re-litigate the same issues and arguments upon which the court already has ruled.” *In re*  
6 *AgriBioTech, Inc.*, 319 B.R. 207, 209 (D. Nev. 2004). Denson has not made any showing  
7 supporting reconsideration of the denial of appointment of counsel. The Court remains of the view  
8 that appointment of counsel is unwarranted in this case.

9 **IT IS THEREFORE ORDERED** that petitioner’s motion for reconsideration (ECF No. 33)  
10 is **DENIED**.

11 Dated: July 11, 2017.



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13 UNITED STATES DISTRICT JUDGE  
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